

May 26, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Fort Pierce

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-mj-00054-SMM

UNITED STATES OF AMERICA

v.

JOSE REYES-ESPINOZA,

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

By:

Stacey Bergstrom

STACEY BERGSTROM

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AUSA Stacey Bergstrom

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

FILED BY scn D.C.

May 26, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Fort Pierce

United States of America

v.

Case No.

JOSE REYES-ESPINOZA,

22-mj-00054-SMM

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 30, 2020 in the county of Okeechobee in the
Southern District of Florida, the defendant(s) violated:

Code Section

8 U.S.C. §§ 1326(a) and (b)(1)

Offense Description

Previously Removed Alien Found in the United States.

This criminal complaint is based on these facts:

-SEE ATTACHED AFFIDAVIT-

☒ Continued on the attached sheet.

Complainant's signature

Stephen Schmeichel, Deportation Officer ERO/ICE

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by videoconference.

Date: May 26, 2022

Judge's signature

City and state: Fort Pierce, Florida

Shaniek M. Maynard, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Stephen Christopher Schmeichel, first being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Deportation Officer of the United States within the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) and have been employed in a similar capacity since 2013. I am currently assigned to Enforcement and Removal Operations, Criminal Alien Programs-Prosecutions unit, in Stuart, Florida. As a Deportation Officer with ICE, my duties and responsibilities include enforcing criminal and administrative immigration laws of the United States. I have also conducted and participated in investigations of this nature.

2. As a federal agent, I have participated in investigations of persons suspected of violating a variety of federal laws governing the borders of the United States, which include immigration violations. These investigations have included the use of surveillance techniques, undercover activities, the interviewing of subjects and witnesses, and the planning and execution of arrest and search and seizure warrants. As a federal agent, I am authorized to conduct investigations of, and to make arrests for, offenses involving immigration law violations, including those offenses enumerated in Title 8, United States Code, Sections 1326(a) & (b)(1).

3. This affidavit is based upon my own knowledge as well as information provided to me by other law enforcement officers. This affidavit does not set forth every fact known to me regarding the investigation but only those facts necessary to establish probable cause to believe that Jose Reyes-Espinoza (hereafter "Reyes-Espinoza")

committed the offense of previously removed alien found in the United States, in violation of Title 8, United States Code, Sections 1326(a) and(b)(1).

PROBABLE CAUSE

4. On December 26, 2020, a deputy with the Okeechobee County Sheriff's Office was dispatched to a residential address regarding a Child Molestation complaint. The complainant stated her live-in boyfriend, Reyes-Espinoza, had molested her minor daughter on the morning of December 25, 2020. The complainant told law enforcement that she had just got into an argument with Reyes-Espinoza because of what her daughter told her about him going into her room and touching her in private places.

5. The complainant told law enforcement that she had not seen Reyes-Espinoza since he fled the residence on foot. Law enforcement interviewed the minor victim and issued a be-on-the-lookout (BOLO) notice for Reyes-Espinoza. Law enforcement subsequently located Reyes-Espinoza in Okeechobee County on December 26, 2020, placed him under arrest for lewd and lascivious molestation of minor under 12 years of age, in violation of Florida Statute 800.04(5)(b), and domestic battery, in violation of Florida Statute 784.03(1)(a)(1). Reyes-Espinoza was then booked into the Okeechobee County Jail.

6. On December 30, 2020, the Okeechobee County Sheriff's Office contacted Deportation Officer Desantis from Immigration & Customs Enforcement in Stuart, Martin County, Florida. A review of Reyes-Espinoza's criminal history revealed that he had the following criminal history:

- On July 9, 1999, Reyes-Espinoza was arrested in West Chester, Pennsylvania for driving under the influence of alcohol. There is an outstanding warrant for Reyes-Espinoza's arrest related to this incident.

- On February 13, 2014, Reyes-Espinoza was adjudicated guilty in Okeechobee County case number 472003CF000029 of possession of cocaine, a felony, in violation of Florida Statute 893.13(1)(a)(1).
- On January 6, 2014, Reyes-Espinoza was adjudicated guilty in Okeechobee County case number 472013CF000648 of uttering a forged instrument, a felony, in violation of Florida Statute 831.02, and possession of marijuana, a misdemeanor, in violation of Florida Statute 893.13.

7. I reviewed documents from the immigration alien file belonging to Reyes-Espinoza, AXXX XXX 862, which shows that he is a native and citizen of Mexico. Immigration records also showed Reyes-Espinoza was ordered removed from the United States by an Immigration Judge from Miami, Florida, on March 10, 2014, and was removed from the United States back to Mexico on April 15, 2014. Immigration records also contain a Warning to Alien Ordered Removed or Deported form, dated March 10, 2014, stating the subject has a permanent ban from the United States at any time due to his convictions. Reyes-Espinoza stamped his fingerprint on this form, acknowledging his receipt and understanding of his ban. Records further show that on a Record of Sworn Statement in Administrative Proceedings, dated March 11, 2021, Reyes-Espinoza admitted that he illegally re-entered the United States without permission or inspection sometime in 2020, by walking through the desert into Arizona.

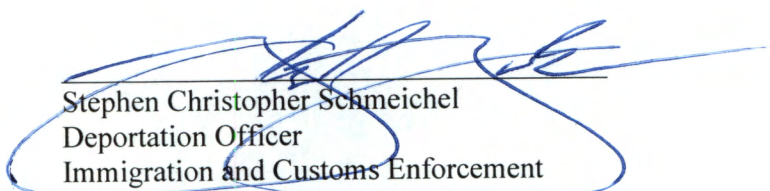
8. On May 20, 2022, I obtained an FBI Fingerprint Analysis report that contained positive conformation of Reyes-Espinoza's identity. Based on the fingerprints and photos submitted on May 19, 2022, the FBI Fingerprint Analysis Unit and I positively identified Reyes-Espinoza as the primary target of this investigation.

9. I performed record checks in the Computer Linked Application Informational Management System (CLAIMS) to determine if Reyes-Espinoza has ever filed an application for permission to reapply for admission into the United States after

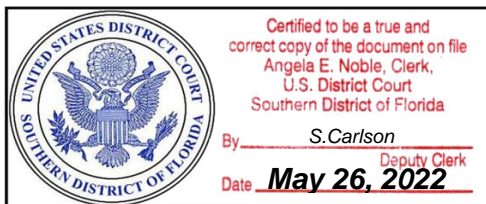
deportation or removal. This search found no records indicating that Reyes-Espinoza obtained consent from the Attorney General of the United States or from the Secretary of Homeland Security for re-admission into the United States as required by law.

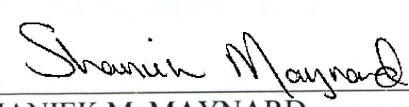
10. Based on the foregoing, I submit that there is sufficient probable cause to believe that, on or about December 30, 2020, Reyes-Espinoza, an alien who has previously been deported and removed from the United States, was found in the United States without having received express consent from the Attorney General or the Secretary of the Department of Homeland Security for re-admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and (b)(1).

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Stephen Christopher Schmeichel
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me, by video conference, in accordance with the requirements of Fed. R. Crim. P. 4.1, on this 26th day of May, 2022.




SHANIEK M. MAYNARD
UNITED STATES MAGISTRATE JUDGE